

EXECUTIVE SUMMARY

Throughout 2022, the District of Columbia Sentencing Commission (Commission) monitored the implementation and use of the District of Columbia Voluntary Sentencing Guidelines (Guidelines) and focused on improving data quality and data sharing capabilities. The Commission's emphasis on data access and management has provided the agency with the ability to analyze sentencing practices and trends within the District of Columbia (District), respond to numerous data requests, and share data with other agencies, political leaders, and the public. In addition, this data enables the Commission to make evidence-based policy recommendations.

Starting in 2021, the Commission was able to successfully use its Guidelines Reporting and Information Data (GRID) system to respond to data requests with combined arrest and sentencing data. In 2022, four of the nine (44%) data requests responded to by the Commission utilized a combination of MPD arrest and sentencing data. In addition, last year the Commission established a new data sharing agreement with the Criminal Justice Coordinating Council (CJCC), which allows for a more thorough and reliable analysis of sentences imposed under the Youth Rehabilitation Act (YRA).

2022 TRENDS IN SENTENCING

Consistent with 2020 and 2021, the impact of the COVID-19 pandemic on Superior Court operations continues to be a recurring theme throughout the analyses presented in this report. However, as the Court returned to near normal operations in 2022, the number of counts, cases, and defendants sentenced continued to progress closer towards pre-pandemic levels.

Superior Court felony sentencings increased by approximately 56% from 2021. In 2022, there were 1,148 individuals sentenced for felony offenses in 1,202 cases, consisting of 1,521 unique individual counts. An overwhelming majority of felony sentences (97%) were the result of a plea agreement. The percentage of felony cases resolved through a plea bargain decreased from 2021 but remains above pre-pandemic levels. The high rate of felony plea agreements and the corresponding lower rate of sentences following a jury trial (3%) indicates that the Court is still working through a backlog of jury trials. Historically, between 91% and 94% of all felony sentences were the result of a plea agreement, while on average 7% of felony sentences followed jury trials.

Although there were more counts sentenced in 2022 compared to 2021, the composition of counts in each offense category has remained largely stable. Weapon and Violent offenses were the only offense categories that varied by more than 3% from the prior year. The majority of felony counts (93%) sentenced in 2022 were for non-drug offenses, with the Weapon and Violent offense categories accounting for 80% of all non-drug counts sentenced. Overall, the Weapon offense category represented 46% of all felony counts sentenced in 2022.

The impact of COVID-19 should be taken into consideration when making any comparisons between 2020-2022 data and earlier years because Commission data is reflective of counts/cases sentenced rather than arrests and pending matters.

GUIDELINES COMPLIANCE

Judicial compliance with the Sentencing Guidelines continues to remain high, indicating consistent application and use of the Guidelines by Superior Court judges. In 2022, judges imposed a Guidelines compliant sentence in 97.3% of all felony counts sentenced. Of sentences imposed in 2022, 91.6% were classified as compliant in the box sentences, indicating that the sentence imposed reflected both the type and length of the Guidelines recommended sentence. The remaining 8.4% of felony sentences imposed were the result of either compliant departures from the Guidelines, sentences stemming from a Rule 11(c)(1)(C) plea agreement, sentences that were classified as compliant outside the box due to other sentencing provisions, or non-compliant sentences.

The majority (96%) of compliant departures were downward or mitigating departures, in which the sentencing judge imposed a sentence below the recommended sentencing range and/or options. Among compliant departures, the most common departure factor cited was the catch-all departure (M10), which indicates there was a substantial and compelling basis to mitigate the sentence that was not captured by any other departure factor. In response to the impact the COVID-19 pandemic has had on sentencing in the District, the Commission implemented a new Mitigating Departure Factor (M11) in 2021 to account for delays faced by D.C. Superior Court in connection with the invocation of D.C. Code §11-947. The new M11 mitigating departure factor was used by judges in three felony cases in 2022, representing 12.5% of all compliant departures.

MODIFICATIONS TO THE GUIDELINES

Since 2012, the Commission has not modified the structure of the Guidelines Master or Drug Grids. However, in 2022, the Commission made one substantive change to the Guidelines by specifying what information presentence report writers can use to initially score prior out-of-District convictions. The Commission has also made several technical changes to the Guidelines Manual including minor formatting and grammatical corrections, the use of gender-neutral language, and updates to the dates in Chapter 9. The Commission did not rank any new felony offenses or re-rank any felony offenses in 2022.